

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	NO. 04-472-1
v.	:	
	:	CIVIL ACTION
PERRY SMITH	:	NO. 09-929

ORDER

AND NOW, this 10th day of December, 2009, upon consideration of Perry Smith's Motion to Vacate, Set Aside or Correct Sentence (Doc. No. 197) together with the Post-Hearing Memorandum of Law in support of the motion (Doc. No. 220), and the Government's Brief in opposition to the motion (Doc. No. 211) and following an evidentiary hearing, for the reasons set forth in the accompanying Memorandum, the Court hereby DENIES the Motion. No certificate of appealability shall issue.

BY THE COURT:

S/Gene E.K. Pratter
Gene E.K. Pratter
United States District Judge